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DATE FILED: 1/11/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIGI GIROTTO,

Plaintiff,

-against-

DUST OF GODS NY LLC, a Delaware limited liability
company a/k/a Dog NY LLC d/b/a Dust of Gods, and 6
GREENE REALTY OWNER, LLC,

Defendants.

1: 23-cv-8732-MKV

ORDER TO SHOW CAUSE

MARY KAY VYSKOCIL, United States District Judge:

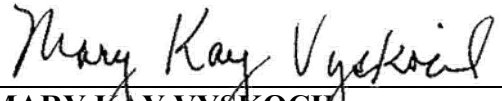
Plaintiff initiated this action by filing a complaint on October 4, 2023. [ECF No. 1]. On October 31, 2023, Defendant 6 Greene Realty Owner, LLC (“Cross Plaintiff”) filed an Answer to the complaint. [ECF No. 8]. The Answer asserted a crossclaim against Cross Defendant Dust of Gods NY LLC. [ECF No. 8]. Federal Rule of Civil Procedure 12(1)(B) states that “[a] party must serve an answer to a . . . crossclaim **within 21 days after being served** with the pleading that states the counterclaim or crossclaim.” Fed. R. Civ. P. 12(1)(B). Cross Defendant Dust of Gods NY LLC never filed a response to the crossclaim, and Cross Plaintiff 6 Greene Realty Owner has not prosecuted this case against Cross Defendant to date.

Accordingly, IT IS HEREBY ORDERED that, **by January 25, 2024**, Cross Plaintiff shall file a letter showing cause why its crossclaim should not be dismissed against Cross Defendant Dust of Gods NY LLC pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Cross Plaintiff is on notice that it is ultimately responsible for prosecuting its claims, and its crossclaims against Cross Defendant Dust of Gods NY LLC may be dismissed because of its chosen counsel’s failure to prosecute. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962).

Failure to comply with the Court's orders and deadlines may result in sanctions, including monetary penalties, preclusion at trial of information not provided, or preclusion and/or dismissal of claims or defenses.

SO ORDERED.

**Date: January 11, 2024
New York, NY**



MARY KAY VYSKOCIL
United States District Judge